

REMARKS

With the present Amendment, claims 7-11, 13-15, 23-26 and 28-29 are active and pending in the present application. Claim 7 has been re-written in independent form with all the elements of its previously independent claim (claim 1).

Claim Objections

Claims 7 and 15 were objected to due to informalities cited by the Office Action. By this amendment, claims 7 and 15 have been amended to cure the informalities noted in the Office Action. And, Applicant respectfully requests the withdrawal of the Claim Objections to claims 7 and 15.

35 U.S. C. 112 Rejection

Claim 29 was rejected under 35 U.S.C. 112, second paragraph. The Office Action pointed out that the element "the modulating step" in claim 29 lacks proper antecedent basis. Claim 29 has been amended to overcome this 112 rejection. With the amendment to claim 29, Applicant respectfully requests the withdrawal of the 112 Rejection.

Double Patenting

Claims 1, 4-11, 13-16, 19-21, 23-26, 28-29 and 38 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-7, 9-11, 13-16, 20-23, 25-27, 29-30 and 32 of US Patent No. 6,731,668.

Claims 1, 4-6, 16, 19-21 and 38 have been canceled by the present Amendment. Claims 7-11, 13-15, 23-26 and 28-29 remain pending in the present application. To overcome the Double Patenting rejection for the remaining pending claims, a terminal

disclaimer is filed herewith. Thus, Applicant respectfully requests the withdrawal of the Double Patenting rejection based thereon.

35 U.S. C. 103 Rejection

Claims 1, 4-6, 16, 19-21 and 38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al ("Kim-1") US 5,619,526 in view of Chen US 7,154,846 and further in view of Kim et al ("Kim-2") US 7,072,324. The present Amendment cancels the rejected claims 1, 4-6, 16, 19-21 and 38. Thus, the 103 Rejection is now moot, and withdrawal of the 103 Rejection is respectfully requested.

CONCLUSION

For the reasons stated above, the claims objections have been overcome, the 35 U.S.C. 112 rejection has been overcome, the Double Patenting rejection has been overcome and the 35 U.S.C.103 rejection is now moot in view of the claim cancelations. Thus, Applicants respectfully request withdrawal of the claim objections, Double Patenting rejection, and the 35 U.S.C. 112 and 35 U.S.C.103 rejections based thereon.

REQUEST FOR ALLOWANCE

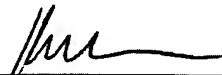
In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Applicant hereby requests a one month extension of time to file this Amendment in response to the Office Action. Please charge the requisite fee to Deposit Account No. 17-0026. Applicant does not believe that any other fees are due. However, if any other fees are required, please charge Deposit Account No.

Attorney Docket No. 000252C1
Customer No. 23,696

17-0026. Applicant encourages the Examiner to telephone the Applicant's attorney
should any issues remain.

Respectfully submitted,

Dated: 6/2/09

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